

OPINION
48-176

March 2, 1948 (OPINION)

LIENS

RE: Destruction and Removal from Register of Deeds Files

Re: Destruction of Old Liens

Your letter of February 27 regarding the destruction of old chattel and crop mortgages has been received and sent to my desk.

The law which you mentioned, but which you were unable to find is probably Section 11-1814 of the Revised Code which is a reenactment and amendment of Chapter 164 of the Laws of 1935. The law of 1935 provided for the removal and destruction from the files of old liens filed prior to January 1, 1920. The Code amended this to January 1, 1937 and that is the present law. Section 35-0507 is also in force. Section 35-0507 is part of Chapter 169 of the Laws of 1935. I do not think there is any conflict between these two laws and you can be guided by both.

The Federal Government insists that no state statute affects its rights. The mere withdrawal from your files and the destruction of old government liens would not affect the rights of the government. It merely relieves your files from the encumbrance of old papers, so I would advise that you have a right to remove and destroy chattel and crop mortgages or liens if they are covered by either of these sections.

NELS G. JOHNSON

Attorney General